IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.7252 OF 2005

Omprakash Zumberlal Boob ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri Raghuraj S. Deshpande for the Applicant.
Shri R. Y. Mirza, A.P.P. for the State.

CORAM : A. S. OKA, J.
DATE : OCTOBER 28, 2005.

P.C.:

1. Not on board. Taken on board. Heard the Advocate appearing for the Applicant and the learned A.P.P. for the State. The case of the Applicant is that this Court in earlier Application granted limited protection to the Applicant to enable the Applicant to approach the Sessions Court by filing appropriate Application for Anticipatory Bail. The limited protection was granted by this Court till 24th October, 2005. It is stated that Application for Anticipatory Bail made by the Applicant was kept before the Sessions Court on 26th October, 2005 and was adjourned to 08th November, 2005 on the ground that the police report was not available. Averment is made in the paragraph No.12 of this Application that therefore, a written Application was made for interim relief which was not entertained.

2. If the learned Judge was not inclined to grant any protection to the Applicant, the learned Judge

should have rejected the Application for Anticipatory Bail without keeping the same pending so that the Applicant could have approached this Court. However, from the averments made in this application, it is seen that the Application is adjourned till 08th November, 2005 without considering the prayer for interim relief. It is stated that the Application is fixed for hearing on 08th November, 2005. In my view, till next date the Applicant deserves to be protected.

3. Hence, this Application is disposed of by passing following order:

: O R D E R :

i) Till 08th November, 2005, the Applicant shall not be arrested in connection with M.C.R.No.34 of 2005 registered with Deccan Gymkhana Police Station, Pune, subject to condition of complying with the conditions incorporated in clause (i) to (iii) of Sub Section 2 of Section 438 of the Code of Criminal Procedure, 1973.

ii) It is made clear that the Application for Anticipatory Bail which is pending in the Sessions Court will be decided by the Sessions Court on its own merits without being influenced by grant of limited

protection by this Court.

JUDGE